

FOR DEPARTMENT USE ONLY
Application No. _____
Applicant's Name: _____

SUPPLEMENT TO APPLICATION FOR CHANGE APPROPRIATION WATER RIGHT

Criteria for Issuance of Authorization to Change

Section 85-2-402(2)(#), MCA, provides the Department may not approve a change in purpose of use or place of use of an appropriation of 4,000 acre-feet or more and 5.5 cubic feet per second or more of water per year unless the appropriator proves by substantial credible evidence that the following criteria are met. The information requested by this supplement together with the application is necessary for the Department to process an application. It is the Applicant's responsibility to provide credible, relevant, and factual information upon which the Department may rely to support the issuance of a change authorization.

- (2)
- a) What substantial credible evidence do you have to prove the proposed use will not adversely affect the water rights of other persons or other planned uses or developments for which a permit has been issued or for which water has been reserved?
- b) Describe the proposed means of diversion, construction, and operation of the diversion works you intend to use and describe what substantial credible evidence you have to prove the proposed means of diversion, construction and operation are adequate.
- c) Provide substantial credible evidence to prove the proposed change is a beneficial use of water.
- d) Do you have possessory interest or the written consent of the person with possessory interest in the proposed place of use?

☐ Yes

☐ No

Note: Attach a copy of the written consent when applicable.

- (3)
- (b) What substantial credible evidence do you have to prove the proposed change is a reasonable use? Such a finding shall be based on a consideration of the following factors (including the probably significant adverse environmental impacts of the proposed use of water as determined by the Department pursuant to Title 75, chapter 1, or Title 75, chapter 20):

i) Describe the existing demands of the State water supply as well as projected demands of water for future beneficial purposes including municipal water supplies, irrigation systems, and minimum streamflows for the protection of existing water rights and aquatic life?

ii) Describe the benefits to the applicant and the State.

iii) Describe the effects on quantity and quality of water for existing uses in the source of supply.

iv) Describe the availability and feasibility of using low-quantity water (meaning not potable for human consumption) for the purpose for which application has been made.

v) Describe the effects on private property rights by any creation of or contribution to saline seep.

The applicant hereby affirms that the statements appearing herein, on the application and on any attachments, are to the best of his/her knowledge true and correct.

Applicant’s Signature: _____ Date _____
_____ Date _____

Subscribed and sworn before me this _____ day of _____, 20____

NOTARY’S SIGNATURE

Notary for the State of _____
Residing at _____
My commission expires _____

NOTICE

Section 85-2-402(4a.b), MCA. The Department may not approve a change in purpose of use or place of use for a diversion that results in 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water being consumed unless: a) the applicant proves by clear and convincing evidence and the Department finds that the criteria in subsections (2) and (3) are met; and b) the Department then petitions the legislature and the legislature affirms the decision of the Department after one or more public hearings. Additional information will be required if the proposed change is for withdrawal and transportation of water for use outside the State.